

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1
Eastern Division**

Sia Henry, et al.

Plaintiff,

v.

Case No.: 1:22-cv-00125

Honorable Matthew F. Kennelly

Brown University, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Sunday, December 3, 2023:

MINUTE entry before the Honorable Matthew F. Kennelly: Late on 12/1/2023, counsel sent to the District's Emergency Judge e-mail in-box correspondence suggesting that a particular paragraph of a filing should be placed under seal. (The Court will be deliberately cryptic and will not identify the document to avoid calling attention to it.) First of all, this is an inappropriate use of the Emergency Judge in-box. The Emergency Judge is designated to deal with emergency matters when the assigned judge is unavailable, which was not the case here—the assigned judge was just as available at 11:44 PM on a Friday night as the emergency judge was. In addition, a motion should have been filed (none was), not simply an e-mail sent. That aside, the Court is unpersuaded on the present record that the supposedly offending paragraph of the filing is appropriately filed under seal. As the Court has reminded the parties during this litigation, a party's mere designation of material as confidential or highly confidential during discovery is insufficient by itself to place outside the public record material that is filed seeking a decision by the Court. In this situation—likely because no motion has been filed—no justification has been offered for having the particular paragraph outside the public record. It's a one-sentence paragraph. The last half is a list of document identifiers that no one would be able to decipher. The first half contains a reference to certain documents that are identified by name. If this is the aspect that supposedly should be under seal, there needs to be an explanation for why the reference is appropriately placed outside the public record. This will require a motion that explains this, not simply the terse e-mails sent to the Emergency Judge in-box, which provided only a conclusion and no justification. Any such motion may itself be filed under seal, at least provisionally. (mk)

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